

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN A. HAIRSTON,

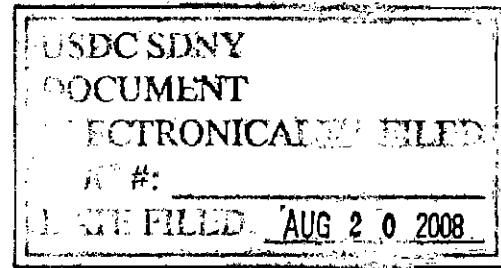
Plaintiff(s),

No. 08 Civ. 0207 (LTS)(THK)

-against-

MICHAL J. ASTRUE, Commissioner of
Social Security,

Defendant(s).



LAURA TAYLOR SWAIN, DISTRICT JUDGE:

ORDER

The Court has received a Motion for an Order for Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, by Plaintiff. The papers do not include a certification pursuant to Paragraph 2.B. of the Individual Practices Rules of the undersigned. That Rule provides:

B. Informal efforts to resolve issues required. In civil cases, prior to making a motion of any type, and prior to requesting a conference on any discovery issues, the parties shall use their best efforts to resolve informally the matters in controversy. Such efforts shall include, but need not be limited to, an exchange of letters outlining their respective legal and factual positions on the matters and at least one telephonic or in-person discussion of the matters. If a motion or a discovery conference request remains necessary, the notice of motion or written discovery conference request must include a separate paragraph certifying in clear terms that the movant or requesting party has used its best efforts to resolve informally the matters raised in its submission.

The Court finds that such prior communication is often useful in facilitating settlement, consensual resolution of the subject matter of the motion or, at a minimum, narrowing of issues presented for decision by the Court. It is hereby

ORDERED, that the above-referenced motion is hereby TERMINATED¹ for purposes of the Court's docket, without prejudice to reinstatement upon application, upon notice to adverse parties and accompanied by the requisite certification; it is further

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Plaintiff's motion does not appear to have been filed with the Court. If Plaintiff's motion still has not been filed at the time this Order is filed, then no termination is necessary.

ORDERED, that no response to the motion is required unless a reinstatement application is granted, in which case the time to respond of any adverse party shall be calculated from the date of service of the order of reinstatement and in accordance with Local Civil Rule 6.1 of the United States District Court for the Southern District of New York.

Dated: New York, New York
August 19, 2008



LAURA TAYLOR SWAIN
United States District Judge